

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DEMETRA SUZETTE LAKES**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 4:09CV112-DAS**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security**

**DEFENDANT**

**FINAL JUDGMENT**

Pursuant to a hearing held before the undersigned United States Magistrate Judge, the court determined that the ALJ's decision is not supported by substantial evidence and that this case should be remanded to the Commissioner for additional proceedings. On remand, the ALJ shall evaluate the opinion of the claimant's treating physician in accordance with the factors cited in *Newton v. Apfel*, 209 F.3d 448 (5<sup>th</sup> Cir. 2000). Additionally, in accordance with SSR 02-1P, the ALJ shall consider the claimant's obesity and explain what effects, if any, obesity has in causing or contributing to the claimant's limitations. Lastly, the ALJ shall conduct any further proceedings not inconsistent with this order.

The parties, having consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit,

**IT IS, THEREFORE, ORDERED AND ADJUDGED:**

That this case is hereby **REMANDED** to the Commissioner for further proceedings as set out above.

**THIS**, 6th day of October, 2010.

/s/ David A. Sanders  
U. S. MAGISTRATE JUDGE